

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

MICHAEL COREY BENTON,)
Plaintiff,)
v.)
ROBERT STORY, et al.,)
Defendants.)
No. 1:10-cv-0106
Judge Sharp
Jury Demand

ORDER

On October 31, 2011, the Magistrate Judge entered a Report and Recommendation (Docket Entry No. 59), recommending that this action be dismissed without prejudice without consideration of Plaintiff's underlying claims because Plaintiff failed to comply with the exhaustion requirement of 42 U.S.C. § 1997e(a) prior to filing this action. Despite being specifically advised in the Report and Recommendation that any objections to the recommended disposition needed to be filed within fourteen days, Plaintiff has filed an untimely objection (Docket Entry No. 63).

Nevertheless, having conducted a *de novo* review of the matter in accordance with Fed. R. Civ. P. 72(b), the Court agrees with the Magistrate Judge's recommendations. Accordingly,

(1) The Report and Recommendation (Docket Entry No. 59) is hereby ACCEPTED and APPROVED; and

(2) This action is hereby DISMISSED WITHOUT PREJUDICE because Plaintiff did not comply with the exhaustion requirement of 42 U.S.C. § 1997e(a) prior to filing this action.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.

Kevin H. Sharp

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE